

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,

Petitioner,

v.

\$18,530.00, MORE OR LESS, IN
UNITED STATES CURRENCY,

Respondent.

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1:22-CV-624-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Dustin M. Howell concerning Petitioner United States of America's Motion for Default Judgment of Forfeiture and Memorandum of Law in Support Thereof, (Dkt. 7), against the Respondent Property, \$18,530.00, more or less, in U.S. currency. (R. & R., Dkt. 8). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Howell issued his report and recommendation on September 5, 2023. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (R. & R., Dkt. 8), is **ADOPTED**. Petitioner's motion for default judgment, (Dkt. 7), is **GRANTED. IT IS ORDERED** that a Final Default Judgment of Forfeiture is entered against the Respondent Property, \$18,530.00, more or less, in U.S. currency. **IT IS ORDERED** that the Respondent Property is **FORFEITED** to the United States of America.

IT IS FURTHER ORDERED that any and all right, title, and interest of Onehil Azmitia, Saul de La Rosa, Eloisa Ontiveros Garcia, and any and all other potential claimants in the Respondent Property are held in default and **FORFEITED** to the United States of America.

IT IS FINALLY ORDERED that the Drug Enforcement Administration, and/or United States Marshals Service, its designated substitute custodian, shall dispose of the Respondent Property, in accordance with the law.

SIGNED on October 19, 2023.

A handwritten signature in blue ink, appearing to read 'Robert Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE